

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ROMMIE L. JOHNSON, JR.,)	CASE NO. 4:08CV149
)	
PETITIONER,)	JUDGE SARA LIOI
)	
vs.)	ORDER
)	
STUART HUDSON, Warden,)	
)	
RESPONDENT.)	
)	

Before the Court is the report and recommendation of the Magistrate Judge in the above-entitled action. Under the relevant statute:

[. . .] Within ten days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C). In this case, the ten-day period has elapsed and no objections have been filed nor has any extension of time been sought. The failure to file written objections to a Magistrate Judge's report and recommendation constitutes a waiver of a de novo determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the Magistrate Judge's report and recommendation and **ACCEPTS** the same. Fed.R.Civ.P. 72(b)(3).

Accordingly, Johnson's petition for writ of habeas corpus is **DENIED** and this matter is **DISMISSED**.

IT IS SO ORDERED.

Dated: April 30, 2009



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE